

that said bottles contained 32 liquid ounces of said article, whereas in truth and in fact said bottles did not contain 32 liquid ounces of said article, but contained a less amount.

On April 2, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs of \$14.35.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3367. Adulteration of tomato catsup. U. S. v. 25 Cases of Adulterated Tomato Catsup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5472. I. S. No. 3036-h. S. No. 2044.)

On December 11, 1913, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 24 bottles of adulterated tomato catsup, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on or about November 5, 1913, by the Fisher Packing Co., of San Francisco, Cal., and transported from the State of California into the State of Oregon and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Glass This Side Up with Care H & G Co. Portland Golden Gate Brand Tomato Catsup Prepared from Ripe Tomatoes Net Contents—15 ozs. Contains 1/10 of 1% Benzoate of Soda Manufactured by Fisher Packing Company, San Francisco, California."

Adulteration of the product was alleged in the libel for the reason that said catsup consisted in whole or in part of filthy, decomposed, and [or] putrid vegetable substance.

On January 15, 1914, the said Fisher Packing Co., claimant, filed its answer denying the material allegations of the libel, but afterwards entered into a stipulation with the libelant for a decree of forfeiture and condemnation, and on March 24, 1914, the cause having come on for final action, upon motion of the United States attorney, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3368. Adulteration and misbranding of condensed milk. U. S. v. 14 Barrels, More or Less, of Condensed Milk. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5477. I. S. No. 4125-h. S. No. 2045.)

On December 13, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 barrels, more or less, of a certain article of food designated as sweetened condensed milk, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Conf. Sweetened Condensed Milk."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent of said article, to wit, milk fat, had been wholly or in part abstracted therefrom. Misbranding of the article was alleged for the reason that the aforesaid labels upon the barrels containing the article bore certain statements, designs, and devices regarding said article and the ingredients and

substances contained therein, which said statements, designs, and devices, to wit, "Conf. Sweetened Condensed Milk," were false, misleading, and deceptive, in that they represented, imported, and indicated said article to be a sweetened condensed milk, whereas, in truth and in fact, said article of food did not contain a sufficient amount of milk fat to constitute sweetened condensed milk, namely, said article contained only 5.85 per cent milk fat, when it should have contained [at least] 7.7 per cent milk fat; that by reason of the facts aforesaid said article was further misbranded in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof.

On March 24, 1914, the cause having come on to be heard upon the libel and upon the answer filed by Libby, McNeill & Libby (Inc.), claimant, Chicago, Ill., admitting the facts set forth above, and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all costs of the proceedings and the execution of a good and sufficient bond in the penal sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3369. Adulteration and misbranding of wheat bran. U. S. v. 600 Sacks, More or Less, of Wheat Bran. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5478. I. S. No. 1763-h. S. No. 2043.)

On December 11, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 sacks, each containing 100 pounds of wheat bran, remaining unsold in the original unbroken packages at Kennedy Station, Ohio, alleging that the product had been transported from the State of Wisconsin into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 lbs. Wheat Bran—Manufactured by H. E. McEachron Co., Wausau, Wis. Guarantee: 14 per ct. Protein, 4.3 per ct. Fat, 11 per ct. Fiber."

It was alleged in the libel that the product was adulterated and liable to seizure and condemnation as provided in the Food and Drugs Act for the reason that said wheat bran was guaranteed to contain 14 per cent protein, 4.3 per cent fat, and 11 per cent fiber, but said wheat bran, however, contained 8.1 per cent ground screenings and 1.5 per cent chaff, which foreign and adulterated substances constituted an adulteration of said wheat bran. It was further alleged in the libel that the aforesaid label constituted a misbranding of said article of food, in this, to wit, that said label did not show the fact that said article of food contained 8.1 per cent ground screenings and 1.5 per cent chaff, which latter articles, or most of same, had been added to said product, and said addition of foreign matter constituted a misbranding of said product. [In the report of this case to the Department of Justice this department recommended seizure on the ground that the product was adulterated in that certain substances, to wit, ground screenings and chaff, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; and, further, in that certain substances, to wit, ground screenings and chaff, had been substituted wholly or in part for the article; and that the product was misbranded in that it was labeled as set forth above so as to deceive or mislead the purchaser into the belief that it was bran, whereas, in truth and in fact, it was a mixture of bran, ground screenings, and chaff; and, further, in that the label as set forth above bore a certain statement regarding the ingredients or substances con-